

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A
JUDGE, NO. 02-487

SCO3-1171

**NOTICE OF SERVING RESPONDENT'S EXPERT AND
WITNESS INTERROGATORIES ON THE COMMISSION**

Respondent, Judge Gregory P. Holder, through counsel and pursuant to Fla. R. Civ. P. 1.280(b)(4), and 1.340, hereby gives notice of propounding his expert and witness interrogatories to the Judicial Qualifications Commission, which is required to answer, separately and fully, in writing and under oath, within thirty days.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished by telecopier and U.S. Postal Service to Charles P. Pillans, III, Bedell Dittmar DeVault Pillans & Coxe, The Bedell Building, 101 East Adams Street, Jacksonville, Florida 32202, and copies to Thomas C. MacDonald, Jr., Esq., 1904 Holly Lane, Tampa, Florida 33629, this 12th day of May 2004.

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**RESPONDENT'S EXPERT AND WITNESS
INTERROGATORIES TO THE COMMISSION**

Respondent, Judge Gregory P. Holder, by counsel and pursuant to Rules 1.280(b)(4) and 1.340, Fla. R. Civ. P., hereby propounds the following expert and witness interrogatories to be answered in writing, under oath, within thirty days.

If the space provided for answers is insufficient, you may complete your answer on an attached addendum, clearly identifying that portion of the interrogatory to which the attachment applies.

(Attorney Signature Appears on Following Page)

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Attorneys for
Judge Gregory P. Holder

PRELIMINARY STATEMENTS

In each of your answers to these interrogatories, you are requested to provide not only such information as is in your possession, but also all information as is reasonably available, whether or not it is in your possession. In the event you are able to provide only part of the information called for by any particular interrogatory, please provide all of the information you are able to provide and state the reason for your inability to provide the remainder.

If you object to, or otherwise decline to answer, any portion of any interrogatory, please provide all information called for in that portion of the interrogatory to which you do not object or to which you do not decline to answer. If you object to an interrogatory on the ground that it is too broad (i.e. that it calls both for information which is discoverable and information which is not discoverable), please provide such information as you concede to be discoverable. If you object to an interrogatory on the ground that it would constitute an undue burden to provide an answer, please provide such requested information as can be supplied without undertaking such undue burden. For those portions of any interrogatory to which you object or otherwise decline to answer, state the reason for such objection or declination.

Each interrogatory shall be answered separately, fully and completely.

INSTRUCTIONS AND DEFINITIONS

1. “Respondent,” unless referred to individually, will refer to Judge Gregory P. Holder.
2. “Judge Gregory P. Holder” will refer to that individual Respondent.
3. “Complainant” will refer to the Judicial Qualifications Commission, including its predecessors, successors, assigns, owners, officers, directors, present and former employees, attorneys, legal representatives, trustees, representatives, consultants, agents, and all other Persons acting or purporting to act on its behalf.

4. “Commission,” “You,” and “Your” refers to the Judicial Qualifications Commission, including its predecessors, successors, assigns, owners, officers, directors, present and former employees, attorneys, legal representative, trustees, representatives, consultants, agents, and all other Persons acting or purporting to act on its behalf.

5. The term “Knowledge” includes actual, imputed, constructive, and inquiry knowledge, awareness, perception, and/or notice.

6. The term “Person” will refer to and will include, without limitation and in the singular as well as in the plural, natural Persons, partnerships, joint ventures, corporations, limited liability entities, companies, firms, groups, associations, estates, trusts, agencies, enterprises, fellowships, clubs, leagues, institutes, societies, offices, and all other organizations and entities (whether public, private, government, or otherwise), unless the context specifically indicates otherwise. Any reference to a Person will include his, her, or its agents, assigns, attorneys, consultants, directors, officers, present and former employees or any other authorized representative.

7. To “Identify” a witness or other Person will mean to state the full name, occupation, job title, job description, occupation or business, federal tax identification or social security number, driver’s license number and issuing state, present or last known business, residence, e-mail, and internet addresses, telephone and facsimile numbers, as well as any present or former relationship (including job title, job description, place of employment and the years of employment) to any of the parties to this action.

8. To “Identify” a corporation, partnership, or legal entity other than a natural person, means to state its full name, form of organization, phone number, and present or last address or principle place of business and the nature of the organization.

9. The term “Fact” will refer to and will include, without limitation and in the singular as well as in the plural, all circumstances, occurrences, occasions, events, incidents, Communications of every kind, writings, episodes, experiences, happenings, transactions, and all kinds of other affairs, matters, and/or things.

10. To “Identify” a Fact will mean to:

- (a) Identify each Person present, involved, and/or with any Knowledge;
- (b) State the date or dates thereof;
- (c) Describe the substance of the item, occurrence, circumstance, and/or matter;
- (d) State where the Fact occurred, was/is located, or otherwise relates to; and
- (e) State whether any Document was prepared (*at any time*) which records, sets forth, summarizes, refers to, or otherwise relates to that Fact, and, if so, identify each such Document.

11. The term “Communication” will refer to and will include, without limitation and in the singular as well as in the plural, all conversations, telephone conversations, statements, discussions, debates, arguments, discourses, colloquies, interviews, consultations, and every other kind of oral utterance.

12. To “Identify” a Communication will mean to:

- (a) Identify each Person present, involved, and/or with any Knowledge;
- (b) State the date thereof;
- (c) State how the Communication was made (*e.g., by telephone, person-to person, etc.*);
- (d) State where the Communication was made (*and, e.g., if by telephone or other device, where each Person involved actually participated*);
- (e) State the substance of what was communicated by each Person present and/or involved; and

- (f) State whether any Document was prepared (*at any time*) which records, sets forth, summarizes, refers to, or otherwise relates to that Communication and, if so, identify that document.

13. “Document” refers to and will include, without limitation and in the singular as well as in the plural, any handwritten, sketched, painted, drawn, traced, illustrated, typed, printed, recorded, graphical, electronic, digital, analog, optical, and/or other depiction, delineation, portrayal, reflection, projection, description, reproduction, representation or presentation of information of any kind whatsoever, however created, depicted or stored (*e.g., on computer, disk, diskette, CD, tape, Zip®, Jaz®, hard, network or other drive; and/or by photographic, mechanical, digital, optical, electronic, or any other means*), of any type or description, including all drafts, originals, identical and non-identical copies (*in whole or in part*), and includes, without limitation: all memoranda, letters, postcards, facsimile messages, telex messages, telegrams, intra-office and interoffice Communications, electronic mail, correspondence, notes, pamphlets, diaries, records of every kind, tapes and other sound recordings, transcripts, contracts, agreements, books, reports, catalogs, financial statements, books of account, journals, ledgers, data processing cards, other data processing materials, data sheets, photographs, photostats, microfilm, videotapes, maps, directives, bulletins, circulars, notices, messages, tabulations, economic or statistical studies, surveys, statements, summaries, opinions, analyses, evaluations, diaries, lists, polls, transcripts, minutes, agendas, instructions, requests, cancelled checks, calendars, desk pads, appointment books, scrapbooks, notebooks, specifications, drawings, diagrams, sketches and writings, documents, and evidences of other Communications of every kind and character. This request includes any meta-data related to a Document.

14. To “Identify” a Document will mean to:

- (a) State its customary business description (for example, letter, memorandum, contract, telegram, book, magazine, or written guidance document);
- (b) State its number (*if any*) (*e.g., invoice or purchase order number*);
- (c) State its date;
- (d) Identify the author or addressor(s) or sender(s) (*if any*);

- (e) Identify the addressee(s) or recipient(s) (*if any*);
- (f) Identify the custodian if such Document, or a copy thereof, is in Petitioner's possession, custody, or control;
- (g) Identify all Persons that possess, have custody of, or have control over such Document or any copy thereof;
- (h) State the substance of the subject matter of each such Document;
- (i) State its title;
- (j) State its present location;
- (k) If the document is no longer in your possession, custody or control, state the disposition that was made of it and the date of such disposition; and
- (l) State whether the document has been produced to the Respondent and whether the document was withheld from production on the grounds of attorney-client privilege or the work product doctrine or other privilege.

15. If a Person, Fact, oral Communication, or Document is mentioned or referred to in response to more than one of these interrogatories, you need not completely identify him, her, or it in every such instance, provided that you supply a complete identification in one such instance and in all other such instances make specific reference to the place, by page and paragraph, in your answers to these interrogatories, where he, she, or it is fully identified.

16. The term "including" does not limit the response to the interrogatory.

17. The term "relating to" or "relative to" means, in whole or in part, constituting, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

18. The terms "and" and "or" have both conjunctive and disjunctive meanings.

19. The terms "any" and "all" mean "each" and "every."

20. All references to years mean calendar years. If calendar year information is not available, supply fiscal year data indicating the twelve-month period covered.

21. Where any of the interrogatories set forth below cannot be answered in full, state, in detail, the reasons for such inability to answer.

22. If you object to any interrogatory, or any portion thereof, on the ground that it requests information that is privileged, falls within the work-product doctrine, or otherwise, please provide the following information:

- (a) State the nature of the privilege, doctrine, or other legal basis of your claim;
- (b) If a Document:
 - (i) Identify it; and
 - (ii) Identify all Persons known to you to have seen or otherwise learned contents of the Document; or
- (c) If a Communication:
 - (i) Identify it; and
 - (ii) Identify all Persons known to you to whom the substance of the oral Communication has been disclosed.

INTERROGATORY NO. 1

Identify each and every expert who is, or was, consulted, employed, or otherwise retained by the Judicial Qualifications Commission in connection with this proceeding.

INTERROGATORY NO. 2

With regard to each expert whom you will, or reasonably expect you may, call as a witness at the final evidentiary hearing in this matter, identify the following:

- a. Name, address, and telephone number of the expert.
- b. The name, business address, and telephone number of the expert's employer.
- c. The field or specialty in which that expert is employed and his or her qualifications. Alternatively, you may attach a current resume or vitae.
- d. Whether a written report and any draft report was prepared by such expert, and if so, state the date of such reports, the name and address of the person to whom any such report was written, and the name and address of the person having possession, custody or control of any such reports at this time.
- e. If a written report was not prepared by such expert, state if one will be completed, and if so, state the date any such report is expected to be complete, the name and address of the person to whom any such report will be delivered, and the name and address of the person who will have possession, custody or control of any such report.
- f. If an inspection, examination, or study of any kind was conducted by such expert, state what was examined, inspected, or studied and the date of such work.

- g. If an inspection, examination, or study of any kind was not conducted by such expert, state if one will be completed, what will be inspected, examined, or studied, and the date of such work.
- h. All articles, papers, studies, and other Documents which the expert has authored, co-authored or participated in preparing.
- i. State whether the expert has ever been a witness in any other judicial, administrative, disciplinary, or other proceeding and, if so, for each such proceeding, identify the name and/or style, case number, nature, name of the court, commission, or other tribunal, date of the testimony, and the name and address of the parties and attorneys for whom he or she testified.

INTERROGATORY NO. 3

Identify the names, addresses, and telephone numbers of all Persons, who were not identified in your responses to Respondent's previous interrogatories, who are believed or known by you to have any knowledge concerning any of the issues in this proceeding; and Identify the subject matter about which the witness has knowledge.

INTERROGATORY NO. 4

Identify the names, addresses, and telephone numbers of all Persons that you will, or reasonably expect to, call as a witness at the final evidentiary hearing; and Identify the substance of the testimony you expect them to give and all Documents or other evidence that you will, or reasonably expect to, introduce through each such witness.

Florida Judicial Qualifications Commission

By: _____

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME, the undersigned authority, this _____ day of _____, 2004, personally appeared _____, who having been duly sworn, states that he/she has read the answers to the foregoing interrogatories and acknowledges the same to be true. He/she is

() personally known to me or

() produced _____ as identification.

My Commission Expires:

NOTARY PUBLIC
State of Florida

[Affix Notarial Seal]